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UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF WENDY J. RAY IN
SUPPORT OF DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S RESPONSE TO
WAYMO'S OFFER OF PROOF**

Trial Date: February 5, 2018

1 I, Wendy J. Ray, declare as follows:

2 1. I am a member of the bar of the State of California and a partner with Morrison &
3 Foerster LLP, counsel of record for Defendants Uber Technologies, Inc. and Ottomotto LLC in
4 this action. I am admitted to practice before this Court. I submit this declaration in support of
5 Defendants Uber Technologies, Inc. and Ottomotto LLC's Response to Waymo's Offer of Proof.
6 I have personal knowledge of the facts stated herein and, if called as a witness, I could and would
7 testify competently as to these facts.

8 2. When this Court issued its Notice regarding the Jacobs demand letter on
9 November 22, 2017, I did not have any knowledge of who Richard Jacobs was, nor had I ever
10 heard of a 37-page demand letter being written by Clayton Halunen, counsel for Mr. Jacobs.

11 3. On subsequent investigation, I learned that on April 26, 2017, at 9:33 p.m., I was
12 copied on an email from Eric Tate to Stacey Sprenkel, one of my partners in San Francisco, with
13 the subject matter "Re: Criminal and Unethical Activities in Security," which generally addressed
14 Uber e-discovery practices. On April 27, 2017, at 5:55 a.m., I received a follow-up email from
15 Stacey Sprenkel regarding the same subject matter. I read the two emails with the e-discovery
16 questions and responded at 6:18 a.m. with my input on that issue. My partner Sylvia Rivera also
17 exchanged emails with Stacey Sprenkel, on which I was copied, at 7:00 a.m., 7:02 a.m., and
18 10:05 a.m., all of which pertained to Uber's e-discovery practices. I never scrolled down past the
19 emails with the e-discovery questions and did not know that Mr. Jacobs's resignation email was
20 in the chain until one of the associates preparing Morrison & Foerster's privilege log asked me a
21 question about the email chain on December 8, 2017.

22 4. Since joining the Uber trial team for this matter shortly after it was filed, I have
23 billed time almost every single day (including holidays and weekends) to this matter and have
24 received dozens of emails each day on this matter alone. In addition, I also was handling
25 discovery for two other busy large matters, as well as other smaller matters. My work schedule
26 during that time period was extremely heavy. On subsequent investigation, I learned that on the
27 days that I received the email chains containing the Jacobs resignation email, i.e., April 26
28 and 27, 2017, I was handling significant aspects of the preliminary injunction sur-reply, continued

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11 I declare until penalty of perjury that the foregoing is true and correct. Executed this
12 19th day of January, 2018 in Los Angeles, California.

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ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Wendy J. Ray has concurred in this filing.

Dated: January 19, 2018

/s/ Arturo J. González
Arturo J. González